



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 4764-99
27 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, and applicable statutes, regulations and policies.

The Board was unable to obtain your service record and conducted its review based on your medical record and other documentation furnished by the Department of Veterans Affairs (DVA).

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that there was nothing in your Navy medical records to show that you were injured while on board the USS QUINCY or, if an injury occurred, it was under conditions which would entitle you to the Purple Heart. The Board was aware that the DVA has analyzed this issue and found that there is nothing in your record to show an injury resulting from enemy action. The DVA examiner noted that you have provided an inconsistent medical history in this matter and made no mention of being blown off the ship's bridge until 1957.

The regulations concerning the award of the Purple Heart in effect during World War II stated that a wound must have been occurred in action against an enemy of the United States and the injury must have been treated by a medical officer.

Since there is no evidence that you were wounded in action against the enemy and there is no record of treatment by a medical officer, the Board concluded that there was no basis for

the award of the Purple Heart. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director